

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

LUCAS BRUNO III, CHRISTOPHER)	CIVIL NO. 03-00567 JMS BMK
GAHR, FRANK ROBERT PAULSON,)	
CHARLES TURNER, and TOM)	DECLARATION OF THOMAS A.
YOUNG,)	HELPER; EXHIBITS A-C
)	
Plaintiffs,)	
)	
vs.)	
)	
MICHAEL CHERTOFF, Secretary,)	
DEPARTMENT OF HOMELAND)	
SECURITY,)	
)	
Defendant.)	
_____)	

DECLARATION OF THOMAS A. HELPER

I, THOMAS A. HELPER, declare that:

1. I am an assistant United States attorney assigned to represent defendants in this action. I make this declaration from my personal knowledge.

2. After extensive settlement negotiations in this matter, and with the assistance of the assigned Magistrate Judge, on July 12, 2006, plaintiffs' attorney Michael Green and I agreed that plaintiffs would settle and release all claims in this matter in return for a total payment of \$335,000, with each party to bear their own fees and costs. These were the only terms of the agreement.

3. I immediately informed the Magistrate Judge of the settlement via email (because the Magistrate was on the mainland), with a copy to Green. A true and correct copy of this

email is attached as Exhibit A. The email also asked the Magistrate to vacate the August 8 trial date and all pretrial filing deadlines. Later that day I received an email from the Magistrate confirming that all deadlines had been vacated.

4. On July 13, 2006, I was informed by Michael Green's co-counsel, Denise Hevicon, that Gahr wanted to add terms to the settlement. A copy of Ms. Hevicon's email is attached as Exhibit B. Hevicon has also indicated that plaintiff Lucas Bruno also may seek to add new settlement demands.

5. In order to determine whether Green had authority to enter into the settlement, Helper wrote to Green and Hevicon, seeking information on that issue. Ex. C. On August 1, 2006, Hevicon declined to provide the information, citing attorney-client privilege.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 3, 2006, at Honolulu, Hawaii.

/s/ Thomas A. Helper
THOMAS A. HELPER